

Attorney for Creditor
2150 S. 1300 E. Suite 120
Salt Lake City, Utah 84106
Telephone: (801) 274-9909
mferre1974@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT

DISTRICT OF UTAH

IN RE:

Christopher Ivester,

Debtor(s).

OBJECTION TO PLAN

Bankruptcy No. 25-20424-KRA
Chapter 13

Harley- Davidson Credit Corp., “Creditor”, pursuant to 11 U.S.C. 1322, 1324 and 1325 and Bankruptcy Rule 3015, files this Objection to Debtor’s Plan, “Plan”, and in support shows the court as follows:

1. Creditor is the owner and holder of an Installment Sales Security Agreement executed by Debtor for the purchase of a 2024 Road Glide motorcycle on July 5, 2024, which date is within 910 days of the filing of this case. The amount owed Creditor thereon on the date of bankruptcy was approximately \$23,566.70, a copy of the contract and the certificate of title indicating Creditor's perfected lien thereon are attached to Creditor's Proof of Claim on file with the court or to be filed with the court.

2. Creditor objects to confirmation of the Plan because:

a. 11 USC 1325(a)(9), mandates that section 506 of the Code shall not apply to a

claim if the creditor has a purchase money security interest securing the debt and the debt was incurred within 910 days of the date of the bankruptcy filing, and the collateral for that debt consists of a motor vehicle acquired for the personal use of the debtor. Creditors claim is secured by a purchase money security interest in Debtors' vehicle which, Creditor believes and therefor asserts, was acquired for personal use. Therefor, the only permissible treatment of Creditor under the plan is to pay the full amount owed to Creditor as a fully secured claim.

c. The plan does not provide for equal monthly payments to Creditor as required by 11 USC 1325(a)(5) and the monthly payments to Creditor set forth in the plan may be insufficient to fully pay Creditor the value of the Vehicle. The proposed adequate protection payments may not extend beyond the confirmation date of the plan after which all payments must be equal.

Interest should be not less than 10.5% on Creditor's claim.

d. Debtor has not provided proof of insurance on the Vehicle.

WHEREFORE, Creditor asks the court to deny confirmation of the Plan and to award Creditor reasonable attorney's fees and costs incurred and such other relief as is just.

DATED this 31st day of March, 2025.

/s/

L. MARK FERRE
Attorney for Creditor

CERTIFICATE OF SERVICE BY NOTICE OF ELECTRONIC FILING

I certify that on th 31st Day of March, 2025 I electronically filed the foregoing Objection

with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users

Justin Burton
ecf notification

Lon Jenkins
ecf notification

US Trustee
ecf notification

/s/
L. Mark Ferre, Attorney for Creditor